

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff

v.

COMMONWEALTH OF PUERTO RICO and
the PUERTO RICO POLICE DEPARTMENT

Defendants

No. 3:12-cv-2039 (GAG)

MOTION FOR RECONSIDERATION

TO THE HONORABLE COURT

COMES NOW, Colonel Clementina Vega Rosario, through her undersigned attorneys, and very respectfully prays and states as follow:

Today, appearing party, former Director of the PRPD Reform Unit, filed a Motion for Order to Show Cause against PRPD and DPS Secretary Pesquera. See, Docket No. 648.

The Court denied said motion reasoning that Col. Vega “is not a party to the action, and the Agreement does not contemplate third parties to seek any form of relief.” See, Docket No. 649. However, in its order the Court recognized that the US DOJ, as a party in interest, is not precluded “from taking any necessary action” regarding Col. Vega’s alleged grievances.

Col. Vega admits that she is not a named party in this case, but certainly as Director of the Reform Unit, she is not an unconnected third party strange to the consent decree. Col. Vega Rosario is an official of the PRPD by which the agreement is binding to the parties, as explicitly agreed upon by the PRPD and the DOJ in the agreement. Moreover, Col. Vega, as Director of the Reform Unit, is the PRPD official in charge of the adequate and successful implementation of the agreement within the PRPD. As such, she is critical to achieve full compliance with the police reform.

It is for that reason that the agreement requires prior notification to the TCA and DOJ of any changes in the Reform Unit’ staff so they can express themselves about the adequateness of the

changes to “ensure continuity of effort and successful implementation of the agreement”. Agreement ¶233. The authority retained by the Court to enforce the agreement should at least include the power to intervene with this specific and critical aspect of the agreement. In that sense, the expressed concern of this Court that Col. Vega’s request “would improperly open the floodgates of the court” should not be a consideration in this instance, because the Court is not dealing with a third-party claim totally unconnected to the agreement.

Therefore, it is respectfully requested from the Court to set aside its Order denying the issuance of an order to show cause and consequently provide for the PRPD, including Mr. Pesquera, the TCA and the DOJ, to express their position as to this crucial issue.

WHEREFORE, Col. Clementina Vega Rosario, respectfully requests the Court to take notice of the foregoing and **GRANT** this motion for reconsideration with any other remedy deemed proper under the law.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 30th day of November, 2017.

IT IS HEREBY CERTIFIED that, on this same date, the foregoing document has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

ANDREU & SAGARDIA
261 Domenech Avenue
San Juan, PR 00918
Phone (787) 754-1777
Fax (787) 763-8045
jaf@andreu-sagardia.com
jmc@andreu-sagardia.com

s/José A. Andréu Fuentes
José A. Andréu Fuentes
USDC-PR 204409

s/José M. Martínez-Chevres
José M. Martínez-Chevres
USDC-PR 301002